



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/826,810

04/15/2004

Fernando Incertis Carro

FR920030003US1

1564

30449

7590

04/26/2011

SCHMEISER, OLSEN & WATTS  
22 CENTURY HILL DRIVE  
SUITE 302  
LATHAM, NY 12110

EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

04/26/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/826,810	CARRO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ba Huynh	2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 12-18, 20-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-18, 20-23, 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Double Patenting**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Art Unit: 2179

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-9, 12-18, 20-23, 25-29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,940,491 in view of US patent application publication 2004/0021648 (Blume). Carro teaches that the Adobe PDF file of an electronic copy of the physical document (0122), thus it appears that the electronic document is identified after identifying the physical document. Further, since the hyperlink table maps location information between the physical document and the electronic document (0129-0136), thus both the physical and electronic documents must be available substantially at the same time to create the hyperlink table. Accordingly identifying one slightly after the other does not affect the creation of the hyperlink table and would have been obvious since both of them will have to be identified and. In addition, Blume teaches identifying the electronic document after identifying the physical document (0041, 0042, 0047). It would have been obvious to combine Blume's teaching to Carro since the electronic document is retrieved with reference to the identification of the physical document. Presenting the retrieved data visually or audibly to visual impaired person would have been obvious in view of Blume (see par 0051).

### **Claim Rejections - 35 USC § 103**

Art Unit: 2179

Claims 1-9, 12-18, 20-23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2004/0021648 (Blume), further in view of US patent 6,115,482 (Sears).

In regard to Independent claims 1, 26, 29, Blume teaches a computer implemented method and corresponding apparatus for use in a user system, for accessing information related to a physical document, said method comprising the steps of:

- Identifying an existing physical document (0026, 0027, 0029: a guide sheet is placed in contact with an identified physical document),
- After identifying the physical document, identifying and locating an electronic copy of said identified document (0041, 0042, 0047). The electronic document is an exact copy of the physical document in audio form or in video form (0025, 0029, 0051: “speaking book”)
- Identifying one page or a plurality of pages of said physical document and identifying a part of the identified physical document using the position of points on said identified pages (0041),
- In response to the identifying the selected part, retrieving from the electronic copy of the physical document, data related to the selected part of the document (0025, 0029, 0041),

Blume teaches that data associated with selected part of the physical document is retrieved and presented audibly to visual impaired person (0007, 0051). The retrieved data is presented as audio, video, or both (Blume’s 0025, 0029, i.e., the system is capable

to present the retrieved data visually to a non-blind visually impaired person or orally to a blind person. I.e., non-blind visual impaired person can still “see” the display, although with some difficulty depending on the individual). Blume further suggests that the retrieved data can be any audio/video feature that enhances the use of the physical document. Carro&Blume fails to clearly address presenting the retrieved data visually to a visually impaired person. In the same field of the invention, Sears teaches presenting the retrieved data with magnification and image enhancement such that to enable the non-blind visually impaired person to see said retrieved data, and orally to enable blind person to hear the data (abstract). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Sears' teaching of providing the retrieved data visually and orally to visual impaired and blind person to Carro&Blume. Motivation of the combining is for allowing visual impaired and blind person to access the data.

With respect to dependent claims 2, 27, Blume teaches the method wherein identifying one or a plurality of pages of said physical document and identifying a part of the identified physical document using the position of points on said identified pages further comprises pressing said points on a touch foil successively placed and aligned over or under said identified pages (0028, 0029, 0041, 0042). Blume teaches that the system is connected to a communication network (0046).

With respect to dependent claim 3, Blume teaches the method wherein said physical document and pages in said physical document are selected by a user (0026, 0041, 0042).

With respect to dependent claim 4, Blume teaches the method wherein a point on a touch foil is pressed with a fingertip (0030).

With respect to dependent claim 5, Blume teaches a drag selection comprising determining the position of a first point pressed on the touch foil placed and aligned over or under the identified first page, said first point corresponding to the start point of a part selected in said identified document, if start point and end point of the selected part are on a same page: determining the position of a second point pressed on the touch foil placed and aligned over or under the identified page of said document, said second point corresponding to the end point of said selected part (0029, in a drag operation, the user selects a start point and an end point using the pen. The start and end point can be in the same page). Blume further teaches page turning operation (0033, 0036, 0040, 0048). It appears that in the drag operation together with the page turning, the user can select a bridging portion of a page which has the start point on a first page and the end point on the next page. Even if it is not, it would have been obvious to one of skill in the art to implement such selection which has the start point on a first page and the end point on the next page. Motivation of the implementation is for selecting bridging portion of a page.

With respect to dependent claims 6, 7: Sears teaches that user selected text is extracted and converted to speech (Sears' 6:13-14). It would have been obvious to one of skill in

Art Unit: 2179

the art, at the time the invention was made to combine Sears' teaching to Blume for converting selected text to speech. Motivation of the combining is for real time text to speech conversion (vs. pre-stored converted audio representation).

As for claims 8, 9: Per Sears, selected portion of text can be magnified to help visual impaired individual (10:47-49, abstract).

As for claim 12: User's reading view can be enhanced in any preferred way (Blume's 0051, 0052; Sears' 27:9-21, 28:13-24).

As for claims 13, 28: Blume&Sears fail to clearly teach a barcode reader for reading document identifier printed on the physical document. However official notice is taken that implementation of a barcode reader for reading document identifier printed on the physical document is well known in the art (See Carro's 0191). It would have been obvious to one of skill in the art at the time the invention was made, to combine the well known implementation of a barcode reader for reading document identifier printed on the physical document to Blume&Sears. Motivation of the combining is for the ease of manual data entry. It would have been obvious to one of skill in the art that the barcode is located at a predefined position on the book for easy access.

As for claim 14: Blume&Sears fail to clearly teach a barcode reader for reading page identifier printed on pages of the physical document. However official notice is taken that implementation of a barcode reader for reading page identifier printed on pages of the physical document is well known in the art (see Carro's 0109, 0196). It would have been obvious to one of skill in the art at the time the invention was made, to combine the



Art Unit: 2179

well known implementation of a barcode reader for reading page identifier printed on pages of the physical document to Blume&Sears. Motivation of the combining is for the ease of manual data entry.

As for claim 15: In view of the combined Blume&Sears, retrieved data corresponding to selected part of the printed document is audibly presented to blind individual. The data comprises information and/or services associated with the selected part (Blume's 0051; Sears' 15:35-67).

As for claim 16: Information associated with the selected part of the printed document can be description of graphical data related to the selected part ( Blume's 0025, 0029; Sears' abstract, 20:3-24.).

As for claim 17: The system comprises a database of electronic copies of scanned printed documents (0041, 0042, 0046), wherein the electronic copy corresponds to the printed document is retrieved and orally presented to the blind person (Blume's 0025, 0029).

As for claim 18: the information associated with the physical document includes speech instruction (Blume's 0051, 0052).

As for claim 20: The system is connected to a communication network comprising a plurality of servers. The electronic copy is located in one of the servers (Blume's 0042, 0043, 0046).

Art Unit: 2179

As for claims 21, 23: The electronic copy is located on the user system (Blume's 0042, 0043).

As for claim 22: The system is connected to a communication network comprising a plurality of servers. The electronic copy is located in one of the servers (Blume's 0042, 0043, 0046). The system transmits to a server a document identification code and a page code to identify the electronic copy and a page of the electronic copy of the physical document (Blume's 0029; Sears' 17:6-9).

As for claim 25: In light of both Blume and Sears' teaching of providing access to visual impaired and blind person as set forth above, also further in light of Sears' teaching of reading Braille text (27:10-13), it would have been obvious to one of skill in the art, at the time the invention was made, to implement the providing of Braille indications in the physical document to enable visual impaired and blind person to interact with the physical document.

As for claim 30: The system can be implemented with or without a OCR (0048, 0049).

**A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the**

Art Unit: 2179

**ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). In re: Upsher-Smith Labs. v. Pamlab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); In re Fritch, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); Merck & Co. v. Biocraft Labs., Inc., 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); In re Fracalossi, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).**

### **Response to Arguments**

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The applicant argue, referring to Carro's step 807, that the printed document is printed from the electronic document, therefore is identified after identifying the electronic document. In response to the argument, Carro teaches various embodiment for generating hyperlink table, including manually generating the hyperlink table from a physical, where a physical document is identified first (0112) and automatically generating the hyperlink table from an electronic document. Step 807 is merely a step in the second embodiment, and can not be used to argue against the entire teaching of the reference where other embodiments are neglected. Even in the second embodiment, in the creating of the hyperlink table, Carro teaches that coordinates of each hyperlink of the electronic document is translated to coordinates of the physical document (step 805). Thus when the physical document is used to access the electronic information, the physical

Art Unit: 2179

document is first identified, the electronic document is identified based on the reference number assigned to the physical document and the hyperlink coordinates. However since Blume&Sears better teaches the sequence of steps for accessing the electronic document as presented in the currently amended claims, Blume&Sears will be used to in this rejection as necessitated by the amendment.

In response to the argument that Blume does not teach the exact electronic copy of the physical document, Blume teaches that the electronic document is a word for word copy of the physical document (0029), thus is an exact copy of the physical document although in an audible format. In addition replacing the audible format of the electronic document with a textual format would have been obvious to one of skill in the art, in light of Blume.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2179

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ba Huynh/  
Primary Examiner, Art Unit 2179